

Message Text

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ACTION EUR-25

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TO AMEMBASSY BONN

INFO SECSTATE WASHDC 3251

AMEMBASSY LONDON

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AMEMBASSY PARIS

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C O N F I D E N T I A L BERLIN 647

E.O. 11652: GDS

TAGS: PGOV, WB, GE, UR

SUBJECT: SOVIET PROTEST AGAINST REVISION OF BERLIN ELECTORAL LAW

REF: A. BERLIN A-59

B. BERLIN 637

1. PARALLELING APRIL 11 COMPLAINT TO CHAIRMAN ALLIED POLAD ON
REVISION OF LFV LAW (REF B), SOVIET EMBASSY FIRST
SECRETARY RODIN CALLED ON HEAD OF SENAT
CHANCELLERY HERZ SAME DAY TO COMPLAIN ABOUT PORTION OF REVISED
BERLIN ELECTORAL LAW (REF A) THAT BASED ALLOCATION
OF SEATS ON TOTAL POPULATION OF GROSS BERLIN AND
RESERVED NUMBER OF THEM FOR ABSENT MEMBERS FROM EAST
BERLIN. (BOTH ELECTORAL AND LFV LAWS HAD BEEN RAISED
BY GDR ITS COMMISSIONER MITDANK AT HIS MEETING
WITH SENAT REP KUNZE APRIL 5, BUT KUNZE SAID MEETING
OF COMMISSIONERS WAS IMPROPER FORUM FOR SUCH MATTERS.)
RODIN, LIKE MITDANK, COMPLAINED THAT SENAT WAS
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ASSERTING COMPETENCE FOR CAPITAL OF GDR, WHICH

AS DETERMINED IN QA, "WAS INTEGRAL PART OF SOVEREIGN TERRITORY OF GDR."

2. HERZ DENIED THAT ELECTORAL LAW IMPLIED ANY USUPPATION OF POWER AND NOTED IT REFLECTED GOAL OF EVENTUAL RE-UNIFICATION OF CITY AS WELL AS GERMANY AS EXPRESSED IN CHANCELLOR'S STATEMENT IN REGARD TO 1971 MOSCOW TREATY. THIS WAS NOT "REVANCHIST POLITICS," AS CHARGED BY RODIN. RODIN REPLIED THAT LEGAL POSITION OF SENAT WAS WELL KNOWN TO HIS SIDE BUT COULD NOT BE ACCEPTED, THE MORE SO SINCE QA HAD CHANGED SITUATION IN CITY. HERZ NOTED THAT SOVIET UNION UNDERSTOOD STANDPOINT OF WEST AND SAID THERE COULD BE NO AGREEMENT ON POINT RAISED. HE TOOK RODIN'S STATEMENT FOR INFORMATION, AND LATTER LEFT RUSSIAN LANGUAGE TEXT MAKING ARGUMENTS NOTED ABOVE.

3. COMMENT: IT MIGHT HAVE BEEN BETTER HAD HERZ MERELY DECLINED TO DISCUSS ISSUE ON GROUNDS THAT IT SHOULD MORE PROPERLY BE RAISED WITH ALLIES, BUT NOW THAT HE HAS DONE SO WE WOULD RECOMMEND AGAINST FURTHER DIALOGUE ON POINT. SHOULD RODIN BRING UP LAW WITH ALLIES, HOWEVER, WE PROPOSE TO COORDINATE RESPONSE IN BERLIN, WHICH WOULD POINT OUT THAT LAW IN QUESTION IS LOCAL LEGISLATION SIMILAR TO THAT LONG ON BOOKS, AND ""CONTRARY TO RODIN'S ASSERTION--QA WAS EXPLICIT THAT THERE WOULD BE NO UNILATERAL CHANGE IN EXISTING SITUATION IN BERLIN. WE WOULD NOTE TOO THAT ALLEGATION THAT SOVIET SECTOR OF CITY IS INTEGRAL PART OF GDR IS UNACCEPTABLE.KLEIN

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